

SENATE JUDICIARY  
Exhibit No. 3  
Date 10 JAN 07  
Bill SB 156

**DEPARTMENT OF JUSTICE**  
**SB 156: Sex Offender Accountability Act**

**Background**

Montana's Sexual or Violent Offender Registration Act is designed to protect the public by requiring offenders to register with local law enforcement agencies in the jurisdiction where they reside. Information about these offenders is then made available to the public through an online registry. The law for sex offenders has been in place since 1989, and for violent offenders since 1995.

SB 156 strengthens the current provisions of Montana law governing sex offenders in order to provide greater protection to the public. The provisions proposed are in response to:

- weaknesses identified by law enforcement and the public in Montana's existing law,
- Jessica's Law provisions passed by the Florida legislature after the tragic death of Jessica Lunsford, and
- the Adam Walsh Child Safety and Protection Act that was passed by Congress in summer 2006.

**Overview**

SB 156 would accomplish the following:

- ☒ Post photographs for all sex offenders, not just level 3 and some level 2 offenders\*.
- ☒ Amend the definition of sexually violent predator to include offenders who commit a sex offense against a child who is 12 or younger.
- ☒ Require enhanced supervision/mandatory probationary term for offenders who are 18 or older and commit an offense against a child 12 or under.
- ☒ Require offenders convicted of failure to register as a sex offender to have a psychosexual evaluation.
- ☒ Clarify the term "residence."
- ☒ Create registration provisions for the homeless/transients.
- ☒ Strengthen community notification provisions.
- ☒ Require registration for a reasonably equivalent conviction in tribal court.
- ☒ Allow the release of information about juvenile sexual offenders after their 21<sup>st</sup> birthday.

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- ☒ Require registration of juveniles who are adjudicated of a sex offense, unless the court makes certain findings and relieves them of the duty to register.

The following sections relate to changes in federal laws:

- ☒ Shorten from 10 days to three business days the time within which an offender has to register upon entering a county of the state or to provide notice of a change of address.
- ☒ Require sexual offenders to appear in person to provide registration verification or change of address information (present law allows this to be done by mail). Section 113 & 116.
- ☒ Require level 2\* offenders to verify registration every 180 days (versus previous requirement of annual verification). Section 116.
- ☒ Change minimum length of registration for level 2 offenders to 25 years (currently a level 2 offender can petition for relief from registration after 10 years). Section 115.
- ☒ In addition to current requirement of notification for change of address, require offenders to provide in-person notification of change in name, or student or employment status. Section 113.
- ☒ Require mandatory collection of certain offender information (beyond the scope of what is currently collected). Section 114.

## **Purpose**

These changes will bring Montana law into compliance with federal registration laws and, more importantly, provide Montana families with greater protection from sex offenders living in our communities.

2007 Legislature  
January 10, 2007

\* The Department of Corrections or the sentencing court assigns offenders a tier level based on the risk each offender poses for committing similar offenses in the future:

- Level 1 Sexual Offenders – the risk of a repeat sexual offense is low
- Level 2 Sexual Offenders – the risk of a repeat sexual offense is moderate
- Level 3 Sexual Offenders – the risk of a repeat sexual offense is high, there is a threat to public safety, and an evaluator believes the offender is a sexually violent predator.